

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Pulaski Highway, 112' NE DEPUTY ZONING COMMISSIONER
of the c/l of Batavia Farm Road * OF BALTIMORE COUNTY
(8202 Pulaski Highway)
15th Election District * Case No. 91-24-A
7th Councilmanic District
Nicholas Stamatacos, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 28 feet in lieu of the required 30 feet for an existing building in accordance with Petitioner's Exhibit 1.

The Petitioners, legal owners of the property, were represented by Harry J. Anderson, Esquire. Appearing and testifying on behalf of the Petition was Grace G. Harris, one of the Contract Purchasers, who was represented by William Hesson, Esquire. Also appearing on behalf of the Petition for the Contract Purchasers was Vincent J. Moskunas, Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 8202 Pulaski Highway, consists of 0.40 acres zoned B.R.-C.S. 1 and is improved with a single story block commercial building containing 2,852 sq.ft. as depicted in Petitioner's Exhibit 1. Proffered testimony indicated the subject building was constructed approximately 10 years ago with the required permits. At the time of construction, said building was believed to be 34 feet from each side property line. However, during a recent survey performed for the Contract Purchasers, it was determined that the subject building was actually 28 feet from one side property line and 32 feet from the other side. As a result, Petitioners filed the instant variance in order to resolve the matter. Petitioners contend the granting of the variance will not result in any detriment to the health, safety or

general welfare and that denial would create practical difficulty and unreasonable hardship. To support their position, Petitioners introduced photographs depicting the building and surrounding properties.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of September, 1990 that the Petition for Zoning Variance to permit a side yard setback of 28 feet in lieu of the required 30 feet for an existing building, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 2 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3383

J. Robert Haines
Zoning Commissioner

September 14, 1990

William M. Hesson, Jr., Esquire
210 W. Pennsylvania Avenue, Suite 700
Townson, Md. 21204

RE: PETITION FOR ZONING VARIANCE
W/S Pulaski Highway, 112' NE of the c/l of Batavia Farm Road
(8202 Pulaski Highway)
15th Election District - 7th Councilmanic District
Nicholas Stamatacos, et al - Petitioners
Case No. 91-24-A

Dear Mr. Hesson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-5391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Harry J. Anderson, Esquire
8225 Carrbridge Circle, Towson, Maryland 21204

People's Counsel

File

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150

No 2745

Date

6/15/90

PUBLIC HEARING FEES

QTY

PRICE

OBO - ZONING VARIANCE (OTHER)

1 X

\$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: STAMATACOS

check # 2580 from Nels Plunhoff & William

Cashier Validation:

Please make checks payable to: Baltimore County

receipt

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/17, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15, 1990

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

P.O. 106273
\$ 88.51

NOTICE OF HEARING
The Zoning Commission of Baltimore County, for the purpose of the Zoning Act and Regulations, has scheduled a public hearing on the proposed zoning variance for the property located at 8202 Pulaski Highway, 112' NE of the c/l of Batavia Farm Road, 15th Election District - 7th Councilmanic District, in the County Office Building, Room 106, County Office Building, Towson, Maryland 21204, on Friday, September 14, 1990 at 9:30 a.m.
Petition for Zoning Variance
Case number: 91-24-A
W/S Pulaski Highway, 112' NE of the c/l of Batavia Farm Road, 15th Election District - 7th Councilmanic District
Legal Owner(s): Nicholas & Angelina Stamatacos
Contract Purchaser(s): Grace A. Harris and Geraldine DeFlora
Hearing Date: Friday, Sept. 14, 1990 at 9:30 a.m.
Variance: To conform an existing 28 foot side yard in lieu of the required 30 feet for an existing building.
In the event that this Petition is granted, a building permit must be issued within the 30 day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NLS/188 Aug. 15.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Publisher

P.O. 106273
\$ 88.51

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150

Number

No 3406

Date

9/14/90

M9100207

PUBLIC HEARING FEES

QTY

PRICE

OBO - POSTING SIGNS / ADVERTISING 1 X \$113.51

LAST NAME OF OWNER: STAMATACOS

TOTAL: \$113.51

Cashier Validation:

Please make checks payable to: Baltimore County

04A0*W064M1C4RC
BA C009*38AK39-14-90 \$113.51

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-24-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to conform an existing 28 foot side yard in lieu of the required 30 feet for an existing building.

1. The subject property is an existing commercial building which was inadvertently built too close by 2 feet on one side to the line on the northeast side.
2. There is no practical way as an economic matter to cure the mistake, without moving the entire building, which has been there for over 10 years, and which error was just recently discovered.
3. The requested variance is in harmony with the spirit and intent of the Regulations, and without the variance, the Petitioners will sustain practical difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

GRACE A. HARRIS

NICHOLAS STAMATACOS/ANGELINA STAMATACOS

Legal Owner(s):

(Type or Print Name)

Signature

8202 Pulaski Highway

Address

White Marsh, Maryland

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

8225 Carrbridge Circle

Address

Towson, Maryland 21204

City and State

Telephone No. 823-7800

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams, Esquire

8225 Carrbridge Circle

Address

Towson, Maryland 21204

City and State

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 19, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-24-A
W/S Pulaski Highway, 112' NEly from c/l of Batavia Farm Road
8020 Pulaski Highway
15th Election District - 7th Councilmanic
Legal Owner(s): Nicholas & Angelina Stamatacos and Peter N. & Pauline Panteleakis
Contract Purchaser(s): Grace A. Harris and Geraldine DeFlora
HEARING: FRIDAY, SEPTEMBER 14, 1990 at 9:30 a.m.

Variance to conform an existent 28 foot side yard in lieu of the required 30 feet for an existent building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Legal Owners, c/o Harry J. Anderson, Esq.
Grace A. Harris, et al
Newton A. Williams, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 7, 1990

Dennis F. Rasmussen
County Executive

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chartered
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 444, Case No. 91-24-A
Petitioner: Nicholas Stamatacos, et ux
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Nicholas Stamatacos
Ms. Grace A. Harris
Ms. Geraldine DeFlora

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Nicholas Stamatacos, et ux

Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 19, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhen, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

44 24 88

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 28, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: NICHOLAS STAMATOCOS
Location: #8202 PULASKI HIGHWAY
Item No.: 444 Zoning Agenda: JULY 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JL 0 5 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 444
PROPERTY OWNER: Legal Owners: Nicholas Stamatacos, et ux,
Peter N. Panteleakis, et ux - Contract Purchasers: Grace A.
LOCATION: W/S Pulaski Hwy. 112' Harris; Geraldine DeFlora
NEly from centerline Batavia Farm Rd (A#8202 Pulaski Hwy)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - CAN IT BE ASSUMED THE EXISTING BUILDING WAS CONSTRUCTED UNDER A BALTIMORE COUNTY BUILDING PERMIT.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 13, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 3, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 439, 440, 442, and 445.

For Item 441, the shed in the easement cannot be on any permanent type foundation.

For Item 443, a County Review Group Meeting is required.

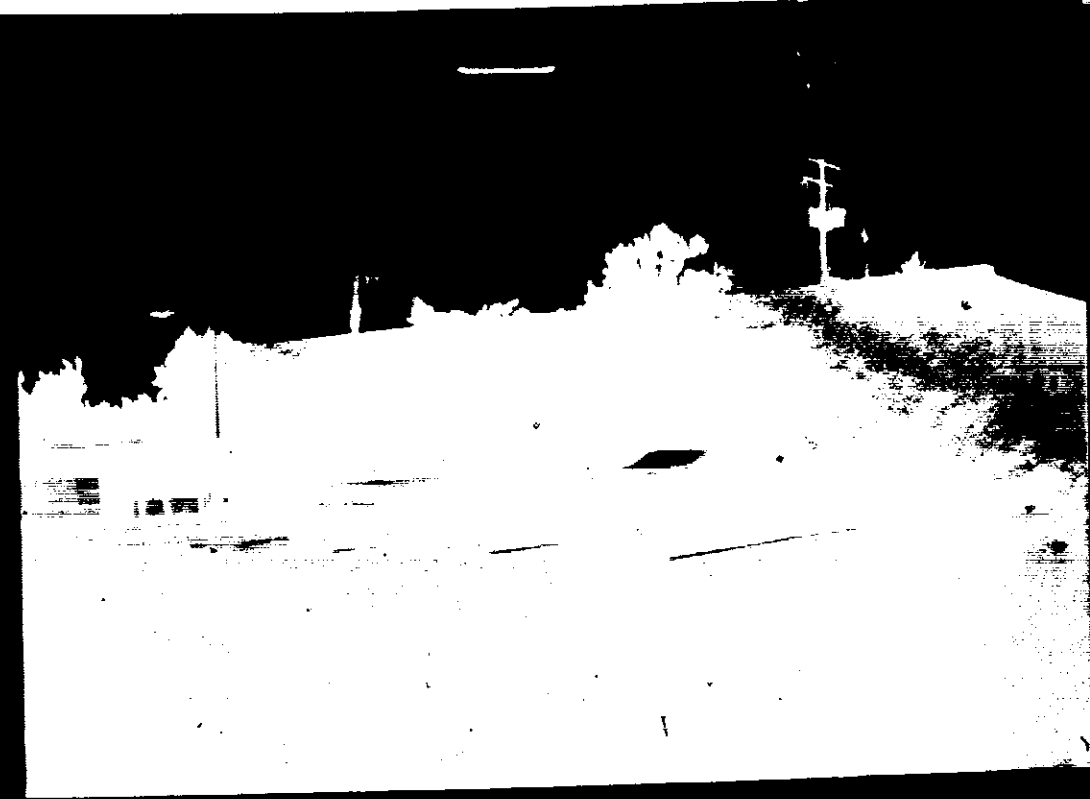
For Item 444, this site is subject to comments by the State Highway Administration.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
GRACE G. HARRIS	8302 Pulaski Hwy
HARRY J. ANDERSON	6225 CARBON DOW C19 Towson, MD 21204
VINCENT J. MOJUNKAS	200 E. JOPPA RD. Towson, MD 21204



A. Front of existing building -
 looking NW from SE corner



B. E/S of Bldg. - 28' for 30'
 Confirmatory Request

8202 Pulaski Highway
 Case # 91-24-A

PETITIONER'S
 EXHIBIT 2



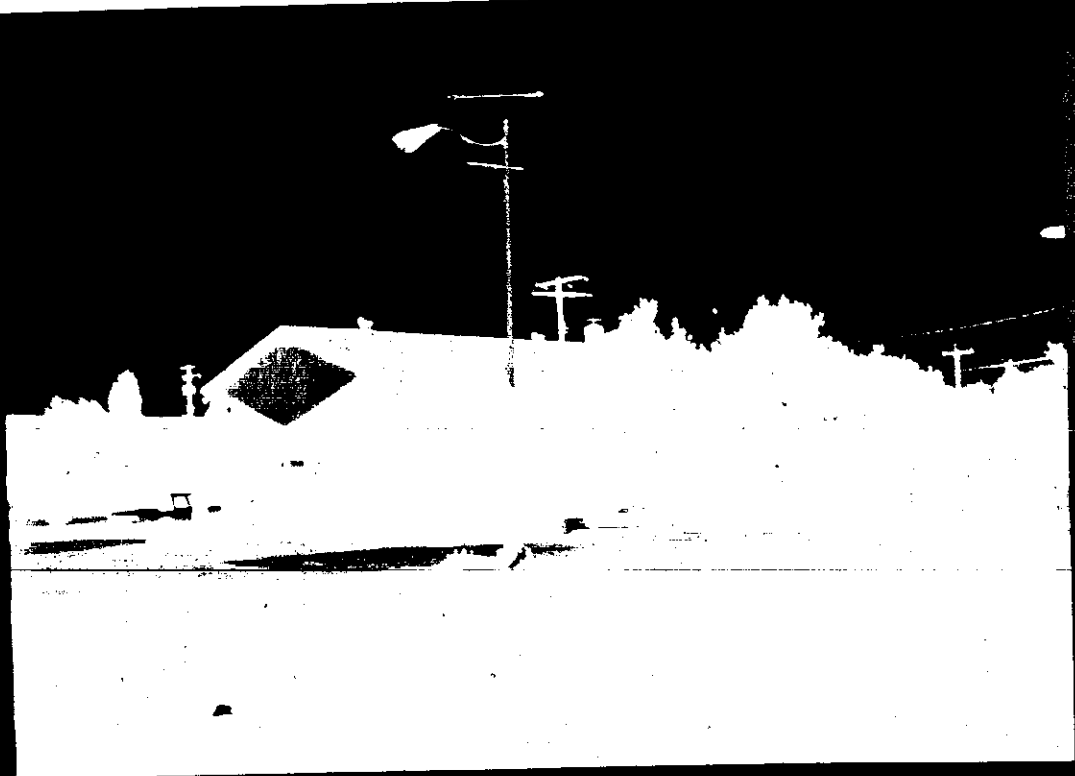
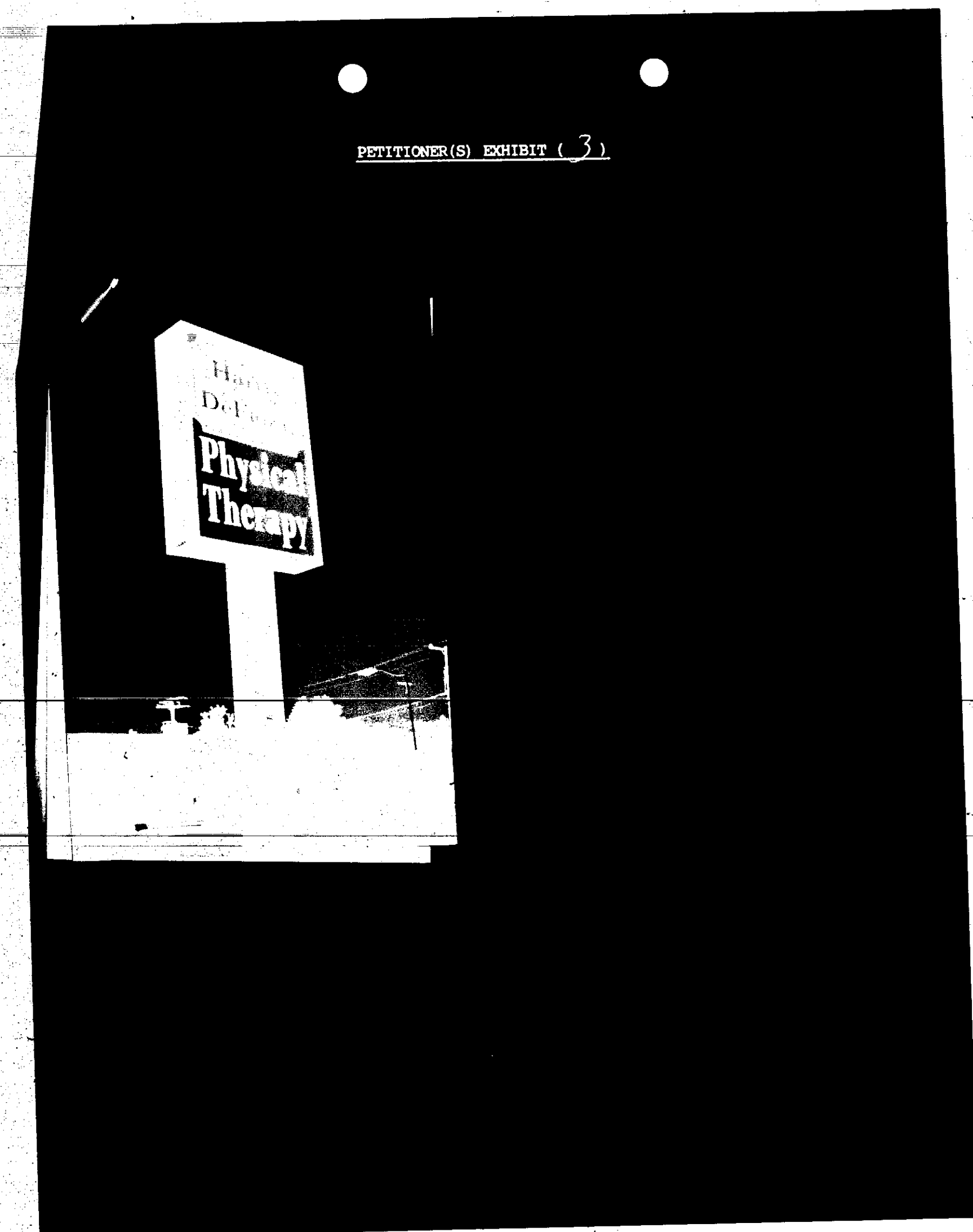
C. Looking S along E/S P/L -
 28' for 30' confirmatory
 request



D. W/S of Bldg. looking N -
 32' for 30' reqd.

8202 Pulaski Hwy.
 Case # 91-24-A

PETITIONER'S
 EXHIBIT 2



E. Property to W of 8202 -
 Conversion from fast food
 to ethnic restaurant,
 32' for 30' provided



F. Looking NE at Property to East -
 28' for 30' requested
 as a confirmatory
 measure.

8202 Pulaski Highway
 Case # 91-24-A

PETITIONER'S
 EXHIBIT 2



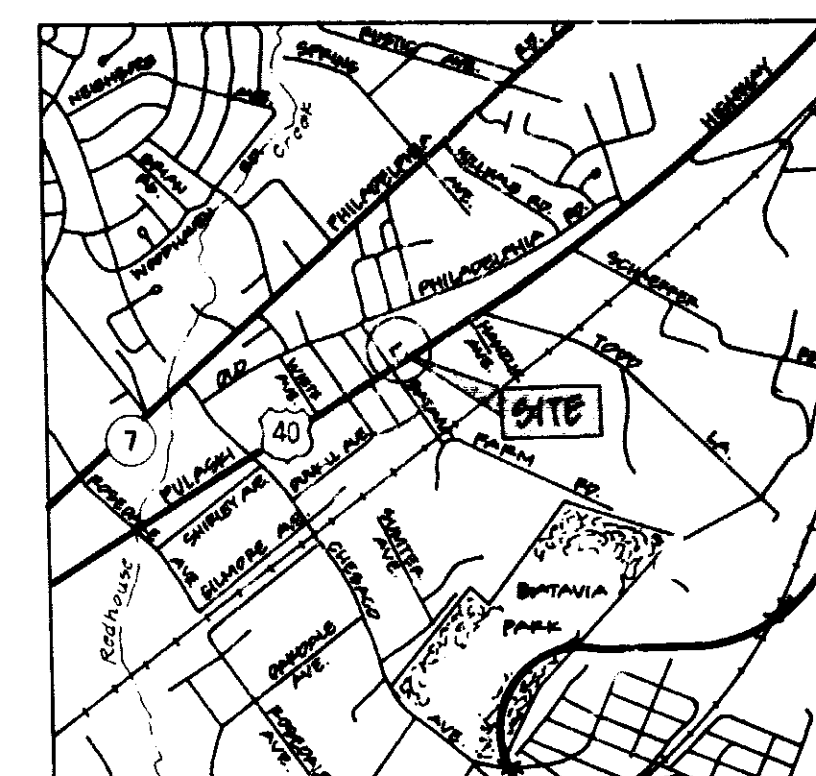
G. Looking E on Pulaski Hwy.
 from ex. E driveway



H. Looking W on Pulaski Hwy.
 from E of both driveways
 at 8202 Pulaski Hwy.

8202 Pulaski Highway
 Case # 91-24-A

PETITIONER'S
 EXHIBIT 2



VICINITY MAP:
SCALE: 1" = 2000'

NOTES:
CONDOMINIUM DISTRICT: 7
PRESENT USE: REAL ESTATE OFFICE
PROPOSED USE: PHYSICAL THERAPY OFFICE
EXISTING ZONING: DR-CB1
PROPOSED ZONING: DR-CB1
AREA OF TRACT: 0.40 AC.; 17,250 SQ. FT.
PUBLIC WATER & SEWER: NOW SERVICE LOT
NO. PARKING SPACES REQUIRED: 19
NO. PARKING SPACES PROPOSED: 19

SITE LEGEND

PROPERTY BOUNDARY
CURB & BUTTER
SIDEWALK (CONC.)
BUILDING OUTLINE
EX. SANITARY SEWER
TRAFFIC FLOW
EX. BUILDINGS
PARKING SPACES
HANDICAP SPACE

PARKING TABULATION

4.9 PARKING SPACES PER 1,000 SQ. FT.
2892 TOTAL SQ. FT. BUILDING SPACE = 19 SPACES REQUIRED
TOTAL NUMBER OF SPACES PROVIDED = 19
(INCLUDES 1 HANDICAP SPACE)

PETITIONER'S
EXHIBIT

91-24-A

VARIANCE PLAT

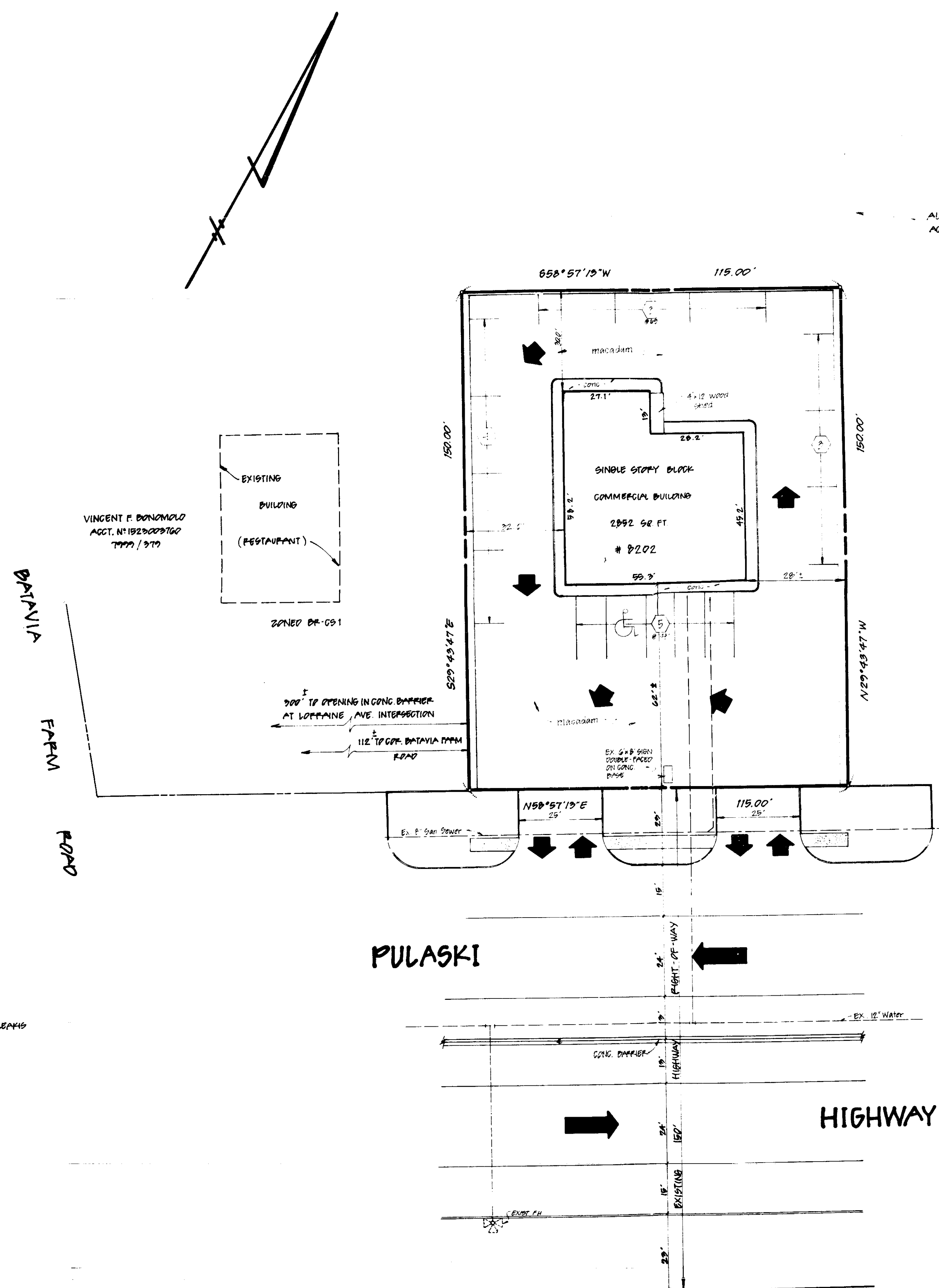
8202 PULASKI HIGHWAY

BALTIMORE COUNTY, MD. ELECTION DISTRICT NO. 15
SCALE: 1" = 20' DATE: MAY 6, 1990

JOB NO. 70-7019

REV. DATE: 6/19/90

M. & H. DEVELOPMENT ENGINEERS
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND



ALBERT G. EINHORN
A.C.T. NO. 1508000010
4032/541

VINCENT F. DONOMOLO
A.C.T. NO. 1520009700
7099/319

OWNERS:

NICK STAMATAGOS & PETER PANDELEAKIS
C/O HARRY J. ANDERSON, ESQUIRE
8225 CARRBOROUGH CIRCLE
TOWSON, MARYLAND 21204